REMARKS/ARGUMENTS:

Claims 1, 11, and 19 are amended. Claims 1-24 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

Claims 1-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tersteeg et al. (U.S. Patent No. 4,219,529) in view of Minekane (U.S. Patent No. 4,906,433). The Applicant respectfully traverses this rejection.

Claim 1, as amended, is as follows:

A rotary incubation station of an automated analyzer, comprising:

a. a platform;

b. a generally circular ring-shaped outside rotary wheel having a plurality of nesting locations for washing and reading vessels;

c. means for positioning said outside rotary wheel on said platform, allowing said outside rotary wheel to rotate;

d. a generally circular disc-shaped inside rotary wheel having a plurality of nesting locations for incubation and storage of vessels;

e. means for positioning said inside rotary wheel on said platform inside said outside rotary wheel, allowing said inside rotary wheel to rotate;

f. first spur gear means for rotating said outside rotary wheel including a plurality of spur gear teeth on the inner periphery of the outside rotary wheel, wherein the first spur gear means allows accurate control of the rotation of said outside rotary wheel;

g. second spur gear means for rotating said inside rotary

wheel independent of the rotation of said outside rotary wheel, the second spur gear means comprising a plurality of spur gear teeth on the outer periphery of the inside rotary wheel and allowing accurate control of the rotation of said inside rotary wheel; and

h. two pick and place assemblies for transferring vessels between the inside rotary wheel and outside rotary wheel.

Applicant respectfully submits that Tersteeg and Minekane cannot render amended claim 1 obvious because Tersteeg and Minekane fail to teach or suggest a rotary incubation station of an automated analyzer, comprising two pick and place assemblies for transferring vessels between the inside rotary wheel and outside rotary wheel.

Tersteeg teaches an incubator with a rotor 64 that serves as a circular conveyor for moving test slides in a rotary pass (Tersteeg, column 4, lines 40-44). Slides are loaded into and unloaded from the incubator in "a substantially straight-line movement" (Tersteeg, column 4, lines 44-46). Thus, Tersteeg relies on a conveying means and not a pick and place mechanism for transferring vessels between the inside rotary wheel and outside rotary wheel.

The two pick and place assemblies of the present invention offer the advantage that the multiplicity of nesting locations can be randomly accessed with only a limited rotation of the inside wheel. In fact, when the two pick and place assemblies are oppositely positioned, the inside wheel only needs to be rotated a maximum of 180 degrees to have any one of the multiplicity of nesting locations accessed by one of the two pick and place assemblies. (Applicant's specification, at page 6, lines 11-18).

Minekane cannot remedy the defect of Tersteeg and is not relied on by the Examiner for such. Instead, the Examiner cites Minekane for teaching an automatic analyzer having two turntables for moving reagent holders throughout the analyzer. The Examiner further states,

"The analyzer has a two wheel system. The inside wheel (126) has teeth mounted on the outer periphery of its lower portion. The outside wheel (162) surrounds the inner wheel coaxially. "

Minekane has no teaching or suggestion of any pick and place assemblies, much less two pick and place assemblies for transferring vessels between the inside rotary wheel and outside rotary wheel.

In light of the foregoing, Applicant respectfully submits that the references discussed above could not have rendered claim 1 obvious, because the combination of references fails to teach or suggest each and every claim limitation. Claims 2-10 depend from claim 1 and are patentable over the cited references for at least the same reasons as amended claim 1. Withdrawal of these rejections is thus respectfully requested.

Claims 11-24 although not depending from claim 1, have the limitation of two pick and place assemblies for transferring vessels between the inside rotary wheel and outside rotary wheel. Therefore, claims 11-24 cannot be rendered obvious over the cited references for the same reasons discussed above. Withdrawal of these rejections is thus respectfully requested.

Applicant believes the foregoing amendments present the rejected claims in better form for consideration on appeal and thus may be admitted under 37 C.F.R. § 1.116(a).

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: July 8, 2004

By: _____
Wei-Ning Yang
Registration No. 38,690
Attorney for Applicant(s)

Biltmore Tower
500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Telephone: 213-337-6700
Fax: 213-337-6701